

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 27 2010

ROBERT ANTHONY COLUMBUS,

Plaintiff,

V.

INDYMAC NOW ONEWEST BANK,

Defendant.

§
§
§
§
§
§
§
§

DAVID J. MCLELLAN, CLERK
BY
DEPUTY _____

Case No. 4:10cv2

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 2, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Onewest Bank, FSB's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 9) be GRANTED and that Plaintiff's claims here be dismissed for failure to state a cognizable claim.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Onewest Bank, FSB's Motion to Dismiss Pursuant to Rule

12(b)(6) (Dkt. 9) is GRANTED and Plaintiff's claims here are dismissed for failure to state a cognizable claim.

IT IS SO ORDERED.

SIGNED this 26th day of October, 2010.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE